

**REMARKS**

In the Office Action, the Examiner objected to the specification; objected to claims 63-65; rejected claims 58 and 62 under 35 U.S.C. § 112, ¶ 2; and rejected claims 1-65 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,630,069 to Flores et al. ("*Flores*") in view of a Business Wire article, entitled "DeskTalk Announces Next Generation TREND ReportPacks Automating Web-Based Performance Reporting" ("*Business Wire Article*"). On February 15, 2005, Applicants' representative conducted an interview with Examiners Michael C. Heck and Tariq Hafiz to discuss the objections and rejections contained in the Office Action. Applicants thank Examiners Heck and Hafiz for the courtesy and consideration extended to Applicants' representative during the interview. The Interview Summary prepared by Examiner Heck reflects the substance of the interview and is supplemented by some of the remarks below.

In this response, Applicants have amended claims 1, 3, 4, 6-11, 18, 26, 27, 38, 40, 41, 52, 58, and 61-65. Applicants note that the amendments do not narrow or change the scope of any of the claims because they either correct minor informalities or incorporate the preamble of some of the claims into the body of those claims. Applicants submit that all of the claims are allowable at least for the following reasons.

**I. Objections to the Specification & Claims 63-65**

In the Office Action, the Examiner objected to the specification and claims 63-65. At the interview, Examiner Heck noted that the Office Action inadvertently objects to the specification. Thus, this objection is moot.

As for the objection to claims 63-65, the Office Action notes that these claims should depend from claim 58 and not claim 62. Applicants agree. These claims have

been amended so that they now depend from claim 62, and not claim 58. Accordingly, Applicants respectfully request that the Examiner withdraw this objection.

## **II. Rejection Under 35 U.S.C. § 112, ¶ 2**

In the Office Action, claims 58 and 62 were rejected under 35 U.S.C. § 112, ¶ 2, because according to the Office Action, the term “physical system” of these claims is a “relative term” and renders the claim indefinite. (Office Action at 3.) Applicants respectfully disagree.

As Applicants’ representative pointed out during the interview, one of ordinary skill in the art would understand this term as it is used in these claims, especially in view of the disclosure on pages 10-11 of the specification. Nonetheless, to expedite prosecution of this application, Applicants have amended claims 58, 62, and other claims (*i.e.*, claims 3, 7, 27, and 41) that use this term to recite language that is explicitly used in the specification. Applicants note that none of these amendments have changed the scope of the claims. In addition, claims 4, 18, 38, 52, 61, and 65, which depend from claims 3, 7, 27, 41, 58, or 62, were also amended to make them consistent with claims 3, 7, 27, 41, 58, or 62. In view of the amendments, Applicants request that the Examiner withdraw the § 112, ¶ 2 rejection.

## **III. Rejection Under 35 U.S.C. § 103(a)**

With respect to the rejection of claims 1-65 under 35 U.S.C. § 103(a) as being unpatentable over *Flores* in view of the *Business Wire Article*, Applicants respectfully traverse this rejection and request reconsideration for the following reasons.

First, Applicants respectfully submit, as they did at the interview, that the Office Action has impermissibly pieced together references to teach the features recited in

claims 1-65 of the present application. MPEP § 2143.01 instructs, however, that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." It further instructs that "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.'" MPEP § 2143.01. Applicants respectfully submit that none of the applied references provide such a suggestion or a motivation for practicing the claimed invention.

For example, Applicants note that *Flores* is directed to a "[m]ethod and apparatus for creating workflow maps of business processes" (see Title), whereas the *Business Wire Article* is directed to "automating web-based performance reporting" (see page 1). *Flores* and the *Business Wire Article* relate to different subject matter and there is no motivation taught or suggested by either reference to modify the teachings of *Flores* with the teachings of the *Business Wire Article* to meet the features recited in the claims of the present application. Moreover, it is apparent that such piecing together of the references is based on improper hindsight based on Applicants' disclosure. Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

In addition, as pointed out in MPEP § 2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In the present application, however, all the claim limitations are not taught or suggested by the applied references.

**A. Independent Claims 1, 6, 21, 26, 40, and 55**

Claim 1, as amended, is directed to a method for assisting collaboration between participants in a business community and recites a combination of features including providing on a display device coupled to a data processing system a business view depicting a plurality of interlocked polygons illustrating interactions between the participants, the polygons being positioned relative to each other to define the participants for the interactions; and deriving an interaction view from the business view using the data processing system, the interaction view depicting additional information between the participants, wherein the business view and the interaction view assist collaboration between the participants in the business community. None of the applied references, including *Flores* or the *Business Wire Article*, either singly or in combination, teaches or suggests at least this combination of features.

For example, none of the references, either singly or in combination, teaches or suggests “providing on a display device coupled to a data processing system a business view depicting a plurality of interlocked polygons illustrating interactions between the participants, the polygons being positioned relative to each other to define the participants for the interactions,” as recited in claim 1. The Office Action admits that the references do not teach this limitation, but considers this limitation as “non-functional descriptive material” and perhaps because of this limitation, the Office Action “interprets the claims to describe a picture or graph with drill-down features for more detailed information.” (See Office Action at 3-4.) Applicants disagree with this characterization of the claims, because the claims are directed to a method, a system, or a computer-readable medium, not to a “picture” or a “graph.”

Moreover, the Office Action appears to be reviving the old “printed matter” rejection, which holds that “[w]here the printed matter is not functionally related to the substrate the printed matter will not distinguish the invention from the prior art in terms of patentability.” *In re Gulack*, 703 F.2d 1381, 1385 (Fed. Cir. 1983). *Gulack*, however, cautioned against extending the printed matter rejection to computer cases. 703 F.2d at 1385 n.8. Indeed, “[t]he printed matter cases have no factual relevance where ‘the invention as defined by the claims [as is the case here] requires that the information be processed not by the mind but by a machine, the computer.’” *In re Lowry*, 32 F.3d 1579, 1583 (Fed. Cir. 1994). Thus, the “interlocked polygons” language is entitled to patentable weight and the rejection of claim 1 under § 103(a) should be withdrawn.

Moreover, none of the applied references teaches or suggests “deriving an interaction view from the business view . . . the interaction view depicting additional information between the participants, wherein the business view and the interaction view assist collaboration between the participants in the business community,” as required by claim 1. Although the Office Action admits that *Flores* fails to teach “deriving an interaction view from the business view . . . the interaction view depicting additional information between the participants,” it asserts that it would have been obvious to include this feature in the present invention in view of the teachings of the *Business Wire Article*. (See Office Action at 5.) Applicants respectfully disagree with this assertion because the *Business Wire Article* does not teach or suggest this feature. Specifically, nothing in the *Business Wire Article* teaches or suggests deriving a view that depicts “additional information between the participants.”

In addition, the *Business Wire Article* is directed to helping a network manager analyze trends in a network and does not teach or even suggest “assisting collaboration between participants in a business community,” as recited in claim 1. Although Applicants disagree with the Examiner that this language in claim 1 was not a claim limitation since it was in the preamble only before this amendment, Applicants have amended claim 1 to recite this language in the body of the claim. In sum, neither *Flores* nor the *Business Wire Article* teaches or suggests, either singly or in combination, the features recited in claim 1.

With respect to independent claims 6, 21, 26, 40, and 55, because these claims recite features similar to claim 1, they are also allowable. In addition, these claims are also allowable because they recite other features that are not taught or suggested by *Flores* or the *Business Wire Article*. For example, independent claim 21 is directed to a method of displaying a value chain optimization in a collaborative business scenario and recites a combination of features including displaying a first view, using a data processing system, the view including a plurality of interlocking polygons depicting activities of participants in transactions, wherein the polygons corresponding to each participant are vertically aligned and business benefits of the collaborative business scenario are shown in a vertical arrangement. None of the applied references, including *Flores* or the *Business Wire Article*, teaches or suggests at least these features. Specifically, neither *Flores* nor the *Business Wire Article* teaches or suggests displaying a first view depicting business benefits, as required by claim 21. Indeed, although the Office Action acknowledges that claim 21 includes this feature (see page 16), it never shows how *Flores* or the *Business Wire Article* teach or suggest this feature.

## **B. Independent Claim 24**

Claim 24 is directed to creating a collaboration between participants in a business scenario and recites a combination of features including “accepting, into a data processing system,” certain kinds of information and “creating a collaboration for sharing a portion of the information accepted.” Neither *Flores* nor the *Business Wire Article* teaches or suggests, either singly or in combination, at least this combination of features. For example, neither *Flores* nor the *Business Wire Article* teaches or suggests, either singly or in combination, “accepting, into a data processing system,” the kinds of information recited in claim 24, such as information “identifying quantitative and qualitative business benefits.”

The Office Action conveniently interprets the “cycle time” mentioned in *Flores* as a “quantitative benefit” and “conditions of satisfaction” of *Flores* as a qualitative benefit. (See Office Action at 11.) However, this is an incorrect interpretation. As discussed in the specification of this application, quantitative business benefits include benefits such as reduced delivery times by up to 75% (see page 9) whereas *Flores* defines “cycle time” as “[a] measure of time from initiation to successful completion of a workflow phase, a complete workflow or a business process” (col. 6, ll. 13-16). Thus, the term “quantitative benefits” as used in claim 24 is not equivalent to “cycle time” of *Flores*. Similarly, qualitative business benefits are not equivalent to “conditions of satisfaction” of *Flores* because qualitative business benefits, as used in the claims of the present application, include such benefits as improved market intelligence (see page 9) whereas “conditions of satisfaction” of *Flores* are “[c]onditions declared by or agreed to by a customer[, t]he fulfillment of which is the purpose of a workflow” (col. 6, ll. 4-6.)

In sum, claim 24 should be allowed because neither *Flores* nor the *Business Wire Article* teaches or suggests, either singly or in combination, each feature recited in claim 24.

**C. Independent Claims 58 and 62**

Independent claims 58 and 62 recite a combination of features including three views. For example, claim 58 recites a combination of feature including providing on a display device coupled to a data processing system, *a first view* showing the participants, interactions between the participants, and defining the participants for the interactions; providing on the display device, using the data processing system, *a second view* showing a sequence of the interactions; and providing on the display device, using the data processing system, *a third view* showing a system topology used by each participant, wherein the first, second, and third views assist collaboration between the participants in the business community. Nothing in *Flores* or the *Business Wire Article* teaches or suggests at least these features.

For example, nothing in these references teaches or suggests providing three views as recited in claims 58 or 62. Instead of showing three different views, the Office Action states that the business process map of *Flores* corresponds to both the first and third views. (See Office Action at 12-13.) However, the claims explicitly call for three different views, not two views. Therefore, these claims are allowable for at least for this reason.



**D. Dependent Claims**

As for dependent claims 2-5, 7-20, 22-23, 25, 27-39, 41-54, 56-57, 59-61, and 63-65, these claims are allowable at least because they depend from claims 1, 6, 21, 24, 26, 40, 55, 58, or 62, which are allowable for the reasons set forth above.

**IV. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the rejections, reconsideration and reexamination of this application, and the timely allowance of the pending claims.

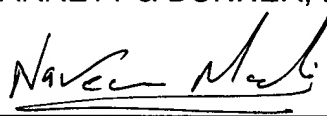
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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